

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY


(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 19 JUL 2005

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Applicant's or agent's file reference PO17372WO		FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/GB2004/002991		International filing date (day/month/year) 09.07.2004	Priority date (day/month/year) 09.07.2003	
International Patent Classification (IPC) or national classification and IPC A63F13/10				
Applicant SONY COMPUTER ENTERTAINMENT EUROPE LTD ET AL.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau) a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 05.11.2004		Date of completion of this report 19.07.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Goy, S Telephone No. +31 70 340-		



INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/GB2004/002991

Box No. 1 Basis of the report

1. With regard to the language, this report is based on the International application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the International application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements* of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-18 as originally filed

Claims, Numbers

1-19 as originally filed

Drawings, Sheets

1-7 as originally filed

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/GB2004/002991

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-19
	No: Claims	1-16,18-24,26-36
Inventive step (IS)	Yes: Claims	
	No: Claims	1-19
Industrial applicability (IA)	Yes: Claims	1-19
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V.

1 The following document is referred to in this communication:

D1 : EP 1 201 277 A (SONY COMP ENTERTAINMENT INC) 2 May 2002 (2002-05-02)

D2: BLOCH J J ET AL: "REAL-TIME COMPUTER ACCOMPANIMENT OF KEYBOARD PERFORMANCES" ICMC. INTERNATIONAL COMPUTER MUSIC CONFERENCE. PROCEEDINGS, XX, XX, 1985, pages 279-289, XP000783862

2 **INDEPENDENT CLAIM 1**

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not inventive in the sense of Article 33(3) PCT.

2.1 Document D1 discloses (with the wording of the claim, the references in parenthesis applying to this document):

A game processing apparatus comprising:

means for indicating successive target actions to be executed by a user, each target action having an associated target time of execution (paragraph 35);

and scoring logic in which detected user actions are compared with the target actions (paragraph 50), the scoring logic comprising:

an input arrangement by which user actions may be detected (paragraph 28);

means for comparing a detected sequence of user actions with a sequence of target actions (paragraphs 44-51 and figures 3-5);

and means for detecting a timing offset between the sequence of user actions and a corresponding sequence of target actions (paragraph 68);

in which, for the comparison of subsequent user actions with respective target actions, the apparatus is arranged to apply the timing offset as a relative **scaling factor** between the detected user actions and the target times (paragraph 68).

2.2 The subject-matter of claim 1 therefore differs from this known game processing apparatus in that the timing offset is used as a relative **displacement**.

2.3 The displacement of time reference, as its scaling, are merely one of several straightforward possibilities from which the person skilled in the art would select, in accordance with circumstances, without the exercise of inventive skill, in order to improve the synchronization between a performed sequence of vocal notes and a

score (see for example, document D2, page 286, column 2, paragraphs 3-4 and page 289, column 2, paragraph 1).

3 DEPENDENT CLAIMS 2-14

Dependent claims 2-14 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT):

3.1 The additional features of the following claims are disclosed in D1:

- for claim 2, see paragraph 37,
- for claim 3, see paragraphs 28 and 35,
- for claim 4, see figure 4,
- for claim 7, see paragraph 39,
- for claims 8 and 9, see paragraphs 38, 50 and figure 7,
- for claims 13 and 14, see paragraphs 40 and 67.

3.2 The additional features of the claims 11 and 12 are disclosed in D2 (see page 281 and page 287, column 1, paragraph 1).

3.3 The additional features of claims 5, 6 and 10 are obvious for the skilled person.

4 INDEPENDENT CLAIMS 15-19

Since the subject-matter of each of independent claims 15-19 corresponds to the subject matter of claim 1, the same reasoning as given for claim 1 will apply mutatis mutandis. Therefore claims 15-19 also do not meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

5 FURTHER REMARKS

5.1 Claims 17-19 do not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined. The term "medium" is vague and unclear and leaves the reader in doubt as to the meaning of the technical features to which it refers.

- 5.2** The following features are essential to the definition of the invention:
- (1)** means for computing the timing offset between the sequence of user actions and a corresponding sequence of target actions,
 - (2)** means for computing the score of the user.

Since independent claim 1 does not contain these features it does not meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that any independent claim must contain all the technical features essential to the definition of the invention.

- 5.3** The term "correlation" used in claim 11 is vague and unclear and leaves the reader in doubt as to the meaning of the technical features to which it refers, thereby rendering the definition of the subject-matter of said claim unclear, Article 6 PCT.
- 5.4** Independent claims 1, 15 and 16 are not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(I) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).
- 5.5** Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 and D2 is not mentioned in the description, nor are these documents identified therein.